

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-2, 4-7, 9-12, 14-17, and 19-20 are pending in this application. Claims 1, 6, 11 and 16 are amended by the present amendment. Support for amended independent Claims 1, 6, 11 and 16 can be found in the original specification, claims and drawings.¹ No new matter is presented.

In the Final Office Action of September 18, 2006, Claims 1-2, 4-7, 9-12, 14-17 and 19-20 were rejected under 35 U.S.C. §103(a) as unpatentable over Sharp et al. (U.S. Patent 6,263,317, hereinafter "Sharp") in view of Hafner et al. (U.S. Patent 5,893,076, hereinafter "Hafner") and Official Notice.

In response to the rejection of independent Claims 1, 6, 11 and 16 under 35 U.S.C. §103(a), Applicants respectfully submit that amended independent Claims 1, 6, 11 and 16 recite novel features not taught or rendered obvious by the applied references.

Independent Claim 1 relates to a distribution management device which receives first order information formed based on a purchase request received over a first sales channel using a network, and second order information formed on the basis of a second purchase request received over a sales channel which does not use a network. The distribution management device controls the stock of the merchandise to be distributed to the first and second sales channels based on the received first and second order information, by retrieving an actual sales condition of the merchandise in the first and second sale channels based on the received order information.

Further, independent Claim 1 recites, in part, that the distribution management device comprises:

¹ e.g., specification, Fig. 12.

...means for instructing a supplier of said merchandise to supply the merchandise based on the actual sales condition by generating and transmitting ***a stock order condition data to the supplier, said order condition data including sales method...***, wherein

said sales method order condition data indicates ***which of the first sales channel and the second sales channel received a purchase request.***

Independent Claims 6, 11 and 16, while directed to alternative embodiments, are amended to recite substantially similar features. Therefore, the arguments presented below are applicable to each of independent Claims 1, 6, 11 and 16.

As described, for example, at Fig. 12 and p. 47 of the specification, the sales method (66B) field in the stock order condition data indicates whether the purchase request was received via a retail store (e.g., second sales channel), the web (e.g., first sales channel), etc.

Turning to the applied primary reference, Sharp describes a web-based system in which customers can place orders for brand name products and these orders are allocated to manufacturers, distributors and retailers according to the distribution channel protocols defined by the manufacturers.² Sharp's system is configured to ensure that the sales of brand name goods and services via the Internet do not violate existing distribution agreements between the manufacturers and the respective distributors and retailers.³

Sharp, however, fails to teach or suggest generating and transmitting stock order condition data to the supplier, said order condition data including sales method, wherein said sales method order condition data indicates ***which of the first sales channel and the second sales channel received a purchase request***, as recited in independent Claim 1.

In addressing the "sales order condition" feature recited in independent Claim 1, the Final Official Action relied on col. 3, line 61-col. 4, line 55 of Sharp and asserted that the order condition data including sales method is transmitted because the order is received "via

² Sharp, Abstract.

³ Id.

the network.”⁴ However, the cited portion of Sharp simply describes that the customer enters order information and confirms the order information causing the order to be finalized and sent to the purchaser via e-mail.

In addressing this argument, the Advisory Action of November 27, 2006 states that “because the reference only teaches that orders are taken and distributed utilizing the Internet, it would be inherent that when Sports Universe generates its web page order to a manufacturer that the manufacturer would then know that the sales method would be from use of the internet” (emphasis added). Thus, the Advisory Action appears to assert that the web page order itself is “order condition data,” and admits that in Sharp orders only come from the Internet. Accordingly, Sharp does not transmit data indicating that an order was received at a second sales channel, which is a point-of-sale location, since orders can only be made via the Internet.

Therefore, Sharp fails to teach or suggest generating and transmitting stock order condition data to the supplier, said order condition data including sales method, wherein said sales method order condition data indicates *which of the first sales channel and the second sales channel received a purchase request*, as recited in independent Claim 1. Further, it would not have been obvious to modify Sharp to incorporate this claimed features since Sharp’s system only receives orders via the Internet, as discussed above.

Hafner, the secondary reference, is not relied upon to address the above differentiated feature recited in independent Claim 1, nor does this reference teach or suggest this claimed feature. Instead, Hafner describes that “inventory information maybe point of sale data...,” but fails to teach or suggest transmitting stock order condition data including a sales method which indicates *which of the first sales channel and the second sales channel received a purchase request*, as recited in independent Claim 1.

⁴ The outstanding Official Action, p. 2.

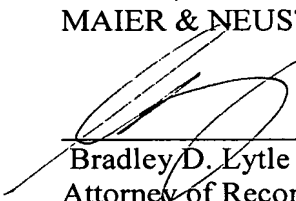
Therefore, neither Sharp nor Hafner, alone nor in combination, teach or suggest generating and transmitting stock order condition data to a supplier, the order condition data including *sales method*, as recited in independent Claim 1.

Accordingly, Applicants respectfully request the rejection of Claims 1, 6, 11 and 16 under 35 U.S.C. §103(a) be withdrawn. As Claims 2, 4, 5, 7, 9, 10, 12, 14, 15, 17, 19 and 20 depend from the above-noted independent claims; Applicants respectfully submit that these claims also patentably define over Hafner and/or Sharp.

Consequently, in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-2, 4-7, 9-12, 14-17 and 19-20 is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable action is therefore respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Andrew T. Harry
Registration No. 56,959